

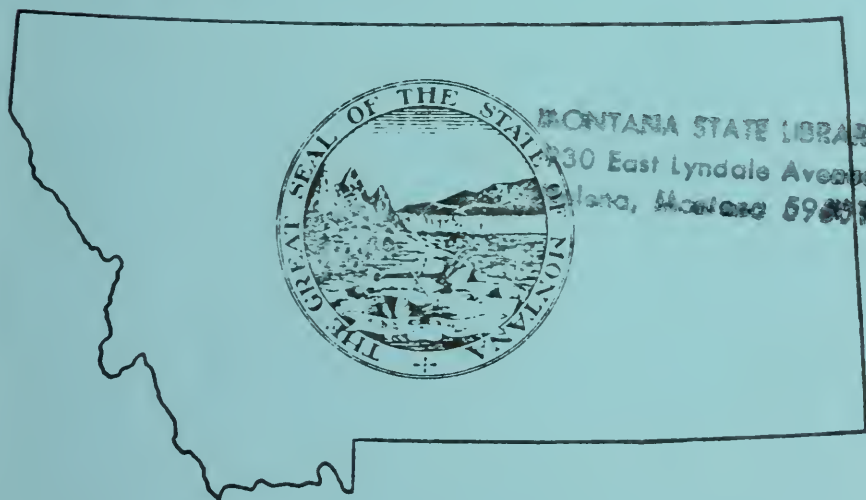
5  
328.361  
L13 im L  
1975

STATE DOCUMENTS

APR 1 1975

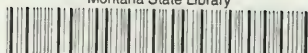
Introduction to  
**THE MONTANA  
LEGISLATIVE  
COUNCIL**

PLEASE RETURN



**1975**

Montana State Library



3 0864 1004 4207 1

# MONTANA LEGISLATIVE COUNCIL

## HOUSE MEMBERS

Robert L. Marks,  
Chairman  
Francis Bardanouve  
Oscar Kvaalen  
Pat McKittrick

## SENATE MEMBERS

Neil J. Lynch,  
Vice Chairman  
Glen Drake  
Carroll Graham  
Frank W. Hazelbaker

\* \* \* \* \*

Mrs. Rose Weber  
Executive Director  
Room 138, State Capitol  
Helena, Montana

Established in 1957, the Montana Legislative Council was originally created as a permanent agency of the legislative branch of state government designed to study selected problems confronting the legislature in the interim between biennial sessions and to perform other services that facilitate the legislative process.

Chapter 431, Session Laws of 1973, substantially restructured the Council. The responsibility for conducting interim studies was transferred from the Council to legislative standing committees or their subcommittees. Particular areas to be studied in an interim, previously determined by the Council, became a responsibility of the new Committee on Priorities. The Committee on Priorities consists of sixteen bipartisan members - eight from the House Rules Committee and eight from the Senate Rules Committee.

Sections 43-709 through 43-731 and 12-501 through 12-510, R.C.M. 1947, provide the statutory authority for the structure and functions of the Council and interim committees. For purposes of discussion, the content of these sections may be divided into four areas; first, the powers and duties of the Council; second, the structure and responsibilities of the Council staff; third, interim committee organization and procedures; and fourth, the operation of the legislative intern program.

### The Council

The Legislative Council consists of eight members; four members are chosen from the House, and four members are chosen from the Senate. Both political parties are equally represented on the Council. Each new Council must be chosen by the Speaker of the House and the Senate Committee on Committees before the

fiftieth day of the first regular session of the biennium, and members serve for the biennium.

The law charges the Council with administrative responsibilities relative to the Council staff. An important new responsibility of the Council beginning in 1975 is supervision of the recodification of Montana's statutes by a Code Commissioner assigned to the Council staff. This task is scheduled for completion by January 1, 1979.

The one non-administrative policy study function assigned to the Council provides a legislative safety valve. The Council may, in the event a problem demanding legislative attention arises during the interim, assign study of the problem to an existing joint interim subcommittee.

The Council may not approve or disapprove substantive portions or recommendations of any interim committee report. Previously, the Council was responsible for approving all interim studies and recommendations.

#### The Council Staff

The staff of the Legislative Council acts as an independent, nonpolitical, impartial staff agency for the legislature, performing those duties and functions assigned by law or as directed or requested by members and committees of the legislature. The Council staff also provides certain information to the public on legislative matters.

The staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division.

The Legislative Services Division is responsible for clerical preparation of introduced bills, for engrossing and enrolling of bills, and for printing and mailing of the bills. This division uses a computerized bill drafting system in order to operate with a high degree of effectiveness and accuracy with a relatively small staff of typists and proofreaders and is also responsible for publication of the legislative journals, of a numerical compilation of code sections affected by the session laws, and the final session laws.

The Research and Reference Services Division and the Legal Services Division have many of the same responsibilities. Both divisions perform general and specialized research and reference and information functions. Staff members from both divisions assist in the preparation of the Legislative Review, staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public.

The Research and Reference Services Division is primarily responsible for all interim studies conducted by legislative interim committees and all staff reports are reviewed by the director of this division.

The Legal Services Division furnishes legal counsel to the legislature and is primarily responsible for the recodification and revision of the laws. The director of this division is also the Code Commissioner who will supervise the recodification and after publication of the new code in 1979, will direct the continuing codification, indexing, rearranging and general updating of the new code.

The Management and Business Services Division maintains all bookkeeping records; signs all legislative claims and payrolls; requisitions all printing, supplies, and equipment; and serves the House and Senate during a session.

#### Legislative Council Staff:

Rose E. Weber, Executive Director  
Pamela Duensing, Administrative Assistant

#### Research Division:

Robert Person, Director  
Richard Hargesheimer, Researcher  
Karen Hedblom, Researcher  
Deborah Schmidt, Researcher  
Katrina Wilson, Researcher

#### Legal Services Division

Diana S. Dowling, Director  
and Code Commissioner  
Roger Tippy, Staff Attorney  
F. Woodside Wright, Staff Attorney  
David Cogley, Staff Attorney

#### Legislative Services Division

Roberta Moody, Director

#### Legislative Interim Operations

Sections 43-716 through 43-719, R.C.M. 1947, provide the boundaries within which the legislature must act during an interim. The legislative Committee on Priorities directs the legislature's interim studies. This committee considers all resolutions, bills, and letters from standing committees or individual legislators requesting studies and selects those to be given interim consideration. No committee may act on any routine study or measure in the interim unless it was assigned by the Committee on Priorities.

There are three types of committees that function during an interim: full standing committees, interim subcommittees, and

select committees. An interim subcommittee is appointed from a regular standing committee. Four members, two from each party, are appointed by the chairman of each standing committee to serve with four selected from the respective committee of the other house. Two or more standing committees may appoint members to one joint interim subcommittee assigned to study issues of common concern if so directed by the Committee on Priorities. These subcommittees do the majority of the interim work. Each subcommittee must report its findings and recommendations to the legislature at the beginning of the next succeeding session.

A "select committee" is formed to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the interim subcommittees except that it may operate during a session. A select committee reports to the legislature upon completion of its study.

The full standing committees are also authorized to function during the interim. However, due to the expense involved in holding meetings, these committees meet infrequently.

#### Legislative Intern Program

The Legislative Council also administers the Legislative Intern Program, established by law in 1974. This program provides an opportunity for qualified Montana college and university students to gain first-hand experience of the legislative process. Each unit of the Montana University System may select at least one intern, and five additional interns may be chosen from applications submitted to the Council. The Council assigns each intern to a legislator, and the intern is directly responsible to that legislator.

#### LEGISLATIVE RESEARCH PUBLICATIONS

Since its creation the Council has issued the following major research publications:

##### 1957-58 Interim

- \*Legislative Handbook
- \*Report No. 1 - Montana State Prison
- \*The Administration of Higher Education in Montana  
(By G. Homer Durham)
- \*General Report No. 1

##### 1959-60 Interim

- \*The State Government of Montana (Organization Chart)
- \*Report No. 2 - Legislative Procedures

- \*Report No. 3 - The Organization and Administration of State Government
- \*Report No. 4 - State Lands and Investments
- \*Report No. 5 - Higher Education
- \*Report No. 6 - Property Taxation in Montana
- \*General Report No. 7

#### 1961-62 Interim

- \*Bill Drafting Manual for the Montana Legislative Assembly
- Report No. 7 - Executive Reorganization
- \*Report No. 8 - Fiscal Control
- \*Report No. 9 - State Treasury Fund Structure

#### 1963-64 Interim

- \*The State Government of Montana (Organization Chart)
- Report No. 10 - Legislative Rules
- Report No. 11 - Public Official and Employee Bonds -- Fees Collected by State Agencies
- \*Report No. 12 - Personnel Management
- \*Report No. 13 - Administration of State Liquor Monopoly
- \*Report No. 14 - Investment of Public Funds
- \*Report No. 15 - Revision of Laws for the Department of Public Institutions
- \*Report No. 16 - Property Taxation and the Montana Property Classification Law

#### 1965-66 Interim

- Report No. 17 - Legislative Fiscal Analysis
- \*Report No. 18 - Revision of Public Health Laws -- Revision of Fire Protection Laws
- \*Report No. 19 - Professional and Occupational Licensing Boards
- \*Report No. 20 - Revision of Laws for Public Schools
- Report No. 21 - Conservancy Districts
- \*Report No. 22 - Retirement Systems for Policemen and Firemen
- Report No. 23 - Montana Taxation

#### 1967-68 Interim

- \*The State Government of Montana (Organization Chart)
- Report No. 24 - Building Standards -- Election Laws
- \*Report No. 25 - The Montana Constitution
- Report No. 26 - Montana Corporation License Tax
- Report No. 27 - State Printing
- Report No. 28 - Vocational Education

#### 1969-70 Interim



Report No. 29 - Regulation of the Sale and Use of Pesticides --  
Pesticide Statewide Laboratory System  
Report No. 30 - Self-Insurance on State-Owned Property  
Report No. 31 - Property Taxation -- Right of Entry  
Report No. 32 - Recodification of School Laws  
Elementary and Secondary Education - Higher  
Education  
report No. 33 - Administrative Procedures  
Report No. 34 - Local Government  
Report No. 35 - Income Taxation  
Report No. 36 - Board of Railroad Commissioners Ex Officio Public  
Service Commission of Montana  
Report No. 37 - Vietnam Honorarium

#### 1971-72 Interim

Report No. 38 - Executive Reorganization  
Report No. 39 - Health Service Corporations  
Report No. 40 - Higher Education, Duplications  
Report No. 41 - Highways  
Report No. 42 - Insurance -Reform  
Report No. 43 - Juvenile Institutions  
Report No. 44 - Legislative Modernization  
Report No. 45 - Local Government  
Report No. 46 - Public Service Commission  
Report No. 47 - Roll Call and Sound System, House  
Report No. 48 - School Construction  
Report No. 49 - School Equalization Aid  
Report No. 50 - School Foundation Program  
Report No. 51 - Self-Insurance, Schools  
Report No. 52 - State Laboratories  
Report No. 53 - Water Resources  
Report No. 54 - Welfare

#### 1973 Interim

Bond Issues in Montana  
Election Reform  
Swan River Youth Forest Camp  
Financing and Administration of Public Libraries  
Right to Know, Right to Participate  
Special Education for the Handicapped  
Progress Report on House Joint Resolution No. 22 -- Retirement  
Systems for Public Employees  
Campaign Practices and Finances

#### 1974 Interim

Workmen's Compensation  
The Montana High School Association and Montana Interschool  
Activities  
Moneys, Solvent Credits, and Industrial Facilities Taxation



Alcoholic Beverage Control Statutes  
Fossil Fuel Taxation  
Institutions  
Equality of the Sexes  
Uniform Fee Taxation and Anniversary Date Registration of Motor  
Vehicles  
Actuarial Valuation; State Law Enforcement Retirement Programs

\*Copies of reports marked with an asterisk are not available for distribution.

#### 1975-1976 INTERIM STUDIES

Studies assigned by the Committee on Priorities for the 1975-1976 interim:

#### SUBCOMMITTEE ON JUDICIARY

- Priority 1. A study of judicial districts regarding additional judges, work loads, and the question of a unified court system in consultation with the Bar Association, the Task Force on Courts of the Crime Control Commission and the Supreme Court Administrator.
- Priority 2. A study of the question of sovereign immunity as it relates to insurance, self-insurance, and what limitations that might be made.
- Priority 3. A study of the concept of privacy protection against government including acts in other states, the federal government, and Senate Bill No. 389 and Senate Bill No. 400.

#### SUBCOMMITTEE ON FIRE LAWS

A study of the laws and responsibilities of the state and local governments regarding grassland and forest fires as well as other jurisdictional problems relating to fires.

#### SUBCOMMITTEE ON TAXATION

- Priority 1. A study of income tax laws to alleviate the loopholes and tax advantages provided by deductions and consider replacement with tax credits.
- priority 2. A comprehensive study of death and inheritance taxes and related exemptions.

- Priority 3. A study of the property tax classification system and the relation of tax classification to land use decisions.

#### SUBCOMMITTEE ON OCCUPATIONAL LICENSING AND TEACHER CERTIFICATION

A study of the question of licensure relating to artificial barriers raised against entry into trades, crafts, and professions including reviews of teacher licensing such as in House Bill No. 636.

#### SUBCOMMITTEE ON AGRICULTURAL LANDS:

##### ACCESS, PRESERVATION AND FISH AND GAME MANAGEMENT

- Priority 1. A study of the scope and possible solutions to the problem of public access to public land and waters across private land corridors and the problem of hunting and fishing access to all lands.
- Priority 2. A study to identify as many positive alternatives for keeping land in agricultural use as is possible. The study is to concentrate on incentives and avoid regulation.
- Priority 3. A study of fish and game laws and the Department of Fish and Game.

#### INTERIM RULES COMMITTEE

Legislative interns and aides  
Office of public information  
Costs of legislative proceedings to news media  
Policy as to recording proceedings of committee and Committee of the Whole  
Business Manager  
Legislative journal format  
Policy regarding legislators activities on the floor of the "other" house during second and third reading  
A means of providing appropriations review by substantive committees or for joint hearings by appropriations and other committees on some bills.

#### SELECT COMMITTEE ON STATE EMPLOYEE PAY

A study of general problems with the collective bargaining and classification acts.

The Committee on Priorities directed appointment of a select committee to study the state employee classification system and specifically the following three areas:

1. Interfacing the Collective Bargaining Act with the Classification Plan
2. Methods of funding the pay plan
3. Providing legislative guidelines to persons who conduct collective bargaining for the state.

#### MEMBERSHIP OF INTERIM COMMITTEES

##### WINE AND LIQUOR RETAILING:

Sen. Antoinette F. Rosell,  
Chairman  
Sen. Chet Blaylock  
Sen. Mike Greely  
Sen. Allen Kolstad

Rep. Arthur Shelden,  
Vice Chairman  
Rep. Dave Aageson  
Rep. Harrison Fagg  
Rep. Joe Quilici

##### JUDICIARY:

Sen. Thomas E. Towe,  
Chairman  
Sen. V. E. Cetrone  
Sen. Glen L. Drake  
Sen. Jean A. Turnage

Rep. Herb Muennekens,  
Vice Chairman  
Rep. C. R. Anderson  
Rep. Earl Lory  
Rep. John Vincent

##### FIRE LAWS:

Rep. Hershel M. Robbins,  
Chairman  
Rep. Verner L. Bertelsen  
Rep. William G. Gwynn  
Rep. Robert Sivertsen

Sen. Pat M. Goodover,  
Vice Chairman  
Sen. Greg Jergeson  
Sen. Terry Murphy  
Sen. Peter Story

##### TAXATION:

Sen. Robert D. Watt,  
Chairman  
Sen. Robert J. Brown  
Sen. William L. Mathers  
Sen. William J. Norman

Rep. W. Jay Fabrega,  
Vice Chairman  
Rep. Harrison Fagg  
Rep. Melvin Williams  
Rep. Dan Yardley

##### OCCUPATIONAL LICENSING AND TEACHER CERTIFICATION:

Sen. Chet Blaylock,  
Chairman  
Sen. Robert E. Lee  
Sen. Harold Nelson

Rep. Gail Stoltz,  
Vice Chairman  
Rep. Howard Ellis  
Rep. Peter J. Gilligan

Sen. Stewart A. Olson  
Sen. Pat Regan  
Sen. Antoinette Rosell

Rep. Earl Lory  
Rep. Sam Wolfe  
Rep. Gene Wood

AGRICULTURAL LANDS:

ACCESS, PRESERVATION, AND FISH AND GAME MANAGEMENT:

Sen. Carroll Graham,  
Chairman  
Sen. Elmer Flynn  
Sen. Jack Galt  
Sen. George Roskie

Rep. Verner Bertelsen,  
Vice Chairman  
Rep. Fred Barrett  
Rep. James Fleming  
Rep. Al Luebeck

RULES:

Sen. Larry Fasbender  
Sen. Mike Greely  
Sen. Frank Hazelbaker  
Sen. Neil J. Lynch  
Sen. William L. Mathers  
Sen. Gordon McOmber  
Sen. Antoinette Rosell  
Sen. Jean A. Turnage

Rep. Francis Bardonouve  
Rep. John Driscoll  
Rep. Oscar Kvaalen  
Rep. Lloyd Lockrem  
Rep. Robert Marks  
Rep. Pat McKittrick  
Rep. Peter M. Meloy  
Rep. Wallace Mercer

SELECT COMMITTEE ON STATE EMPLOYEE PAY:

Sen. Joe Roberts,  
Chairman  
Sen. Mark Etchart  
Sen. Matt Himsl  
Sen. Richard Smith

Rep. John Anderson,  
Vice Chairman  
Rep. W. Jay Fabrega  
Rep. Bob Finley  
Rep. Joe Magone

RULES OF PROCEDURE  
1975-76

RULE I

Each Legislative Council shall determine the rules of its proceedings.

RULE II

Regular meetings of the Legislative Council shall be held in the Capitol Building, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the Chairman on at least ten (10) days notice to the members. Any member of the Legislative Council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the Council.

RULE III

All meetings of the Legislative Council shall be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE IV

If a question of statewide importance arises when the legislature is not in session and a subcommittee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate subcommittee, with the concurrence of the Committee on Priorities.

RULE V

The Council staff shall assist individual members of the legislature on request by compiling and analyzing material relating to state government. Such research may not exceed two man days of work without the consent of the Council. This limitation shall not apply to the Council's bill drafting service during and immediately preceding a legislative session.

RULE VI

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical and other assistance for the operation of the Council, Legislative Services Division, the ALTER program, and aid to interim subcommittees of legislative standing committees.

RULE VII

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

RULE VIII

Claims and requisitions up to \$100, payrolis and routine claims in excess of \$100 may be approved by the Executive Director; all other claims and requisitions must be approved by the Chairman of the Council.

RULE IX

All meetings shall be open to the public.

RULE X

All publicity, and news releases on behalf of the Council shall be made by the Chairman of the Council.

RULE XI

Alteration, suspension or amendment of these rules may be by vote of a majority of the Council.





